

BOARD OF APPEALS CASE NO. 4805

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BEFORE THE

APPLICANT: John Vontran

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a
swimming pool within the required
30 foot front yard setback;
2024 Knotty Pine Drive, Abingdon**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/8/98 & 4/15/98

HEARING DATE: June 3, 1998

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Record: 4/10/98 & 4/17/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, John Vontran, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct a swimming pool within the required 30 foot front yard setback in an R2/COS District.

The subject parcel is located at 2023 Knotty Pine Drive in the First Election District. The parcel is also identified as Parcel No. 335, in Grid 4-B, on Tax Map 57. The parcel contains .285 acres, more or less, all of which is zoned R2/COS.

Mr. John Vontran appeared and testified that he is requesting a variance to construct an in-ground swimming pool with dimensions of 29 feet by 46 feet. The witness said that at the closest point the pool would be 8 feet from Oak Mill Road. Mr. Vontran said his property is unique because it is a corner lot and he must comply with 2 front yard setbacks which reduces the usable area on the parcel. The witness said that denial of the variance would cause practical difficulty because he would be unable to construct to pool. He also said he did not feel that the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because he has discussed the requested variance with his neighbors and also, there are other pools within the neighborhood. The witness said that his request will meet all other requirements of the Zoning Code.

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“The subject property is constrained by two front yard setbacks and the lack of area to the rear of the dwelling between the deck and the rear property line.”

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct a swimming pool within the 30 foot front yard setback. The Applicant is proposing an 8 foot setback from Oak Mill Road.

The uncontradicted testimony was that the subject parcel is unique because it is a corner lot, has an unusual shape, and the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons set forth in the testimony and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the Applicant's request to construct a swimming pool within 8 feet of Oak Mill Road be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the swimming pool.
2. Landscaping, as indicated on the site plan, shall be provided to buffer the swimming pool from Oak Mill Road.
3. The setback shall not be further reduced. The accessory deck around the pool shall also be set back a minimum of 8 feet.

Date JULY 9, 1998

L. A. Hinderhofer
Zoning Hearing Examiner